

**REMARKS**

**A. The Status of the Claims and the Amendments**

Claims 1-15 have been canceled without prejudice. New claims 16-94 have been added. The amendment does not introduce any new matter, as the recited methods of synthesizing of the phosphonate compounds polymers are fully disclosed in the originally filed specification.

**B. The Statutory Type Double Patenting Rejection**

Claims 1-15 have been rejected under 35 U.S.C. § 101 as claiming the same invention as that claimed in claims 1-15 of U.S. Patent No. 6,716,825 to Hostetler et al. Claims 1-15 have been canceled and new claims 16-94 have been added. It is submitted that claims 16-94 are not co-extensive in scope with the claims 1-15 of the '825 patent. Accordingly, the statutory type double-patenting rejection no longer applies. In view of the foregoing, the Applicants respectfully request that the statutory type double-patenting rejection be withdrawn and claims 16-94 be examined on their merits.

The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

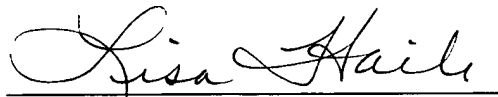
In re Application of  
Hostetler et al.  
Application No.: 10/759,345  
Filed: January 15, 2004  
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PATENT  
Attorney Docket No.: UCSD1240-3

Enclosed is the Check No. 571125 for \$3,540.00 to cover additional claims fee (\$3,030.00) and the Three (3) Month Extension of Time fee (\$510.00). The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 07-1896.

Respectfully submitted,

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